



## PLANNING (VIEWING) SUB-COMMITTEE

Tuesday 9 January 2018

10:30am

Walton Suite, Guildhall, Winchester

### A G E N D A

#### PROCEDURAL ITEMS

1. **Apologies**

2. **Disclosures of Interests**

To receive any disclosure of interests from Members and Officers in matters to be discussed.

*Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests, and on Predetermination or Bias in accordance with legislation and the Council's Code of Conduct.*

If you require advice please contact the appropriate Democratic Services Officer prior to the meeting.

#### BUSINESS ITEMS

- |  | <u>Report Number</u>         | <u>Ward</u> |
|--|------------------------------|-------------|
| 3. Where appropriate, to accept the Update Sheet as an addendum to the Report. |                              |             |
| 4. Planning Applications Schedule  | Extract<br>PDC1099<br>Item 4 | St Paul     |

Item 4: -

#### Attached:

- Extract of Report PDC1099 (Item 4).
- Extract of Update Sheet from 14 December 2017 (Item 4).
- Extract of draft minutes of the meeting of the Planning Committee held on 14 December 2017.

City Offices  
Colebrook Street  
WINCHESTER

Lisa Hall  
Legal Services Manager

**Please note that although members of the public are welcome to attend, there will be no further opportunity to make representation to the Sub Committee, as representations would have been heard at the original Planning Committee.**

### **PLANNING (VIEWING) SUB COMMITTEE**

Planning (Viewing) Sub Committees are held when the Planning Committee has decided that it is not possible to determine an application, without visiting the application site to consider at first hand particular, material planning considerations. The reasons for the visit are agreed at the Planning Committee, following a preliminary discussion, and may be as a result of officer advice. The reasons are also recorded in the minutes of that meeting. These are attached to this agenda as background information.

Although Ward Councillors and members of the public are welcome to attend the subsequent Sub Committee meeting (members of the public and parish council representatives are not allowed to attend site viewings), there will be no further opportunity to make representation to the Sub Committee as these would have been heard at the original Planning Committee.

If the Planning Committee has decided that the Sub Committee should not specially report back to Committee, then a decision will be made at the meeting.

The Viewing Sub Committee's membership is drawn only from those Planning Committee members (including deputies) who attended the meeting of the Committee held on **14 December 2017**. Only those present at this Committee will be able to vote on the application.

Therefore, for this meeting, the following Councillors are eligible to be members of the Sub-Committee:

**Chairman:** Ruffell (Conservative)

**Vice Chairman:** Read (Conservative)

**Conservative**

Berry (Standing Deputy Member)

Gottlieb

Tait

**Liberal Democrat**

Clear

Evans

Izard

**Quorum = 3 Members**

**Terms of Reference:**

Winchester City Council is the local planning authority for the part of the Winchester District which lies outside the South Downs National Park and is responsible for determining planning applications in this area. The City Council is also working in partnership with the South Downs National Park and is determining the majority of planning applications in the National Park, on behalf of the National Park Authority.

The full list of powers and duties exercised by this Committee, including details of the delegated powers of the Council, are set out in the Constitution of the City Council (Part 3 Section 4 refers), via the following link:

<http://www.winchester.gov.uk/meetings/constitution/>

## **The Human Rights Act 1998:**

Please note that the Human Rights Act 1998 makes it unlawful for the Council to act in a way incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise.

In arriving at the recommendations to grant or refuse permission, careful consideration has been given to the rights set out in the European Convention on Human Rights including Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 14 (prohibition of discrimination in enjoyment of convention rights) and Article 1 of the first Protocol (the right to peaceful enjoyment of possessions).

The Council is of the opinion that either no such rights have been interfered with or where there is an interference with the rights of an applicant or objector, such interference is considered necessary for any of the following reasons:-

- ◆ The protection of rights and freedoms of others
- ◆ Public safety
- ◆ The protection of health or morals
- ◆ The prevention of crime or disorder
- ◆ The economic well being of the country.

It is also considered that such action is proportional to the legitimate aim and in the public interest.

## **PROCEDURE:**

### **At the site visit prior to the Sub Committee meeting -**

Members, officers, and the Ward Member(s) will visit the site(s) (in the company of the developer) immediately prior to a Sub Committee meeting, to familiarise themselves with the site and the planning issues.

Ward Members and developers will be permitted to point out factual aspects of the site and the proposed development only, and will not be allowed to present their case (whether for or against the proposal). The developer will be encouraged to inform the Officers of the features on site that are relevant so that the Officers can point these out to Members and also to ensure the safety of Members and Officers while they are on the site. The Sub Committee may, with the consent of neighbours and at the Chairman's discretion, visit neighbouring properties to view the application site. The visiting of neighbouring sites will be coordinated by the Planning Case Officer.

The public and Parish Council representatives will not be invited to attend the site visit but may attend the subsequent Sub Committee meeting.

### **At the meeting**

At the start of the Committee meeting, the Chairman will introduce the Councillors and officers at the table. Any Councillor's declarations of interest will also be announced at this point. If the interest is considered by the Councillor to be significant, he/she will leave the meeting when it reaches that item on the agenda.

## **The officer's presentation**

On each item, the planning case officer will introduce the application to the Committee. They will concentrate on showing details of the proposals with the aid of projected visual material, including photographs of the site and plans. The length and details of the presentation at the meeting will be proportionate to the nature and scale of the proposal. The officer will make a recommendation to the Committee to either approve or refuse the application and, in the latter case, will state the reasons for this.

The officer is required to make a recommendation and the presentation will include material to explain why the scheme is being recommended for permission or refusal. However, officers will not restate the information set out in the report which relates to the assessment of the planning merits of the case. Specialist officers dealing with issues such as design, historic environment and highways may also be available at Committee to provide advice on such matters and a legal representative will attend all Planning Committee meetings.

## **Members' Questions**

After the presentation, there will be an opportunity for the Councillors on the Committee to ask questions of the officers, usually based on the planning themes set out in the report.

## **The Councillors' Debate**

The Councillors will debate the application and may pick up any issues raised during public participation before a vote is taken to either;

- permit,
- refuse or
- defer (usually for a Viewing Sub-Committee or further information).

If the Committee votes against the officer's recommendation, the reasons for this will be discussed and explained. A summary of the Committee's reasons will be included in the minutes.

## **Voting**

Every Member has one vote when a matter before the meeting requires a decision. In the event of an equality of votes, the Chairman may exercise a casting vote and that vote may be cast in any way he wishes.

A Member may abstain from voting, or vote differently from how they may have indicated during the debate, without further explanation. The way each Member voted will not be recorded in the minutes, unless a motion to have a Recorded Vote has been passed.

## **After the meeting**

After the meeting, the minutes will be available from the Council's website and a decision notice will be sent to the applicant/agent. Applicants have a right of appeal against a Committee decision to refuse planning permission, or any conditions imposed on permission, and any appeal will be considered by an Inspector appointed by the Secretary of State. Where an application has been permitted, there is no opportunity for objectors to appeal, other than to the Court by way of judicial review on a point of law.

## **Further information**

If you have any further enquiries regarding the Committee, please visit our website [www.winchester.gov.uk/pdc](http://www.winchester.gov.uk/pdc) or contact Democratic Services on 01962 848 438 or email [democracy@winchester.gov.uk](mailto:democracy@winchester.gov.uk)